

# MALDON DISTRICT LOCAL DEVELOPMENT PLAN

## Consultation Response

Prepared on behalf of

Mr & Mrs Derek Hood

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## **1 Introduction**

This report sets out Shakespeare Martineau's response to the Maldon District Local Development Plan Statement dated April 2016 on behalf of our clients Mr & Mrs Derek Hood specifically in relation to the proposed Reserve Site RE1, West of Maldon (Hall Farm). It has been prepared by Bernadette Hillman who is a partner and the Head of Shakespeare Martineau London's Planning Law Team. Ms Hillman is a Legal Associate of the Royal Town Planning Institute, and a Member of the Law Society's Planning Accreditation Scheme. She sits on the RTPI Conduct and Discipline Appeal Pool. She is an elected Legal Member on the RTPI General Assembly, and an Assessor for the Law Society's Planning Accreditation Scheme. She has experience in Local Development Plan issues of the nature which arise in this case and she is familiar with the policies and geographical characteristics of Maldon District.

The supporting text of the LDP stated that the Reserve sites were not allocated in the LDP and would only be released for development under particular circumstances following a review by Maldon District Council. Following discussion at the hearing sessions and concerns raised by the Inspector, the Council proposed to delete the Reserve sites including RE1 from the LDP. A modification was therefore proposed that deleted references to the reserved sites from the LDP S2 and supporting text.

This submission has two purposes. First, it provides comment on the preferred LDP strategy to exclude certain sites but to encourage allocation of more appropriate sites for housing land within built up areas. Secondly, it outlines support for the principle of identification of new housing proposals on appropriate land within built up areas.

At the outset of this response we would emphasis our clients' broad support for the five key aims outlined within the proposed LDP, namely:

- Support growth of the city economy,
- Help increase the number and improve the quality of new homes
- Ensure sustainable transport and access to jobs and services
- Look after and improve our environment
- Create sustainable communities

The emerging Local Development Plan should make provision for continued sustainable growth but not at the expense of sites which are inappropriate sites, such

as RE1 Maldon Hall Farm where there are significant acknowledged infrastructure capacity issues.

Mr & Mrs Hood support the recommendation of the LPA to exclude site RE1 from the LDP.

## **2 Comments on the LDP Preferred Strategy**

Mr & Mrs Hood note the strong support for sites in the existing housing land supply and the contribution they can make to meeting housing needs. The definition of sites in the existing housing land supply includes those sites with existing planning permission and adopted Local Plan housing allocations.

The strategic development plan strategy is based upon delivery of the established housing land supply. As a result existing sites are considered to play a key role in increasing the number of new homes built in Maldon. To assist this aim the LDP seeks to identify new proposals within the built up area of the District.

Having considered the terms of the LDP, Mr & Mrs Hood strongly agree with the preferred approach to housing in the built up areas.

It is considered entirely appropriate to identify new housing proposals within the built up area on the basis that such “windfall” opportunities will play a key role in helping to meet housing needs within the District. Such sites are often located in well established and successful housing areas which are attractive to housing developers given their tried and tested market profile. Such sites are considered an essential means of helping the house building industry deliver new homes.

Mr & Mrs Hood would take the opportunity to formally exclude the allocation of the land identified as RE1 for housing development within the new Local Development Plan.

Specific justification is provided within the remainder of this Report.

### **3 Site Location and Planning Context**

The site identified as RE1 is located beyond the western edge of Maldon. It is separated from the town by the A414 which forms the eastern boundary of the site. The Langford Cut Site of Special Scientific Interest (SSSI) is contained within the landscape buffer running alongside the A414. The Spital Road roundabout is located in south eastern corner of the site. The southern boundary is demarcated by the access road to the Maldon Hall Farm complex of buildings. A public footpath which is part of the Blackwater Rail Trail also runs along the southern boundary and western boundary to the point where it meets London Road to the north. Open farmland lies to the west of the site. The northern boundary of the site is demarcated by a covered agricultural reservoir and Maldon Cemetery.

The site itself undulates. Ground levels are highest in the north western corner of the site and at their lowest in the north eastern corner of the site. The majority of the eastern boundary is at 35-36m falling quite steeply in the north eastern corner of the site. The site is in arable use with boundary hedging and planting defining the eastern and western boundaries. It is apparent that the site's location and physical characteristics as well as the lack of highway and school capacity render it unsuitable to development for housing.

### **4 Landscape and Visual Impact**

The RE1 site is of particular significance characterised by its open rural countryside quality and the reference to historic land uses that contribute significantly to historic buildings and their wider setting. Tranquillity mapping conducted by Campaign for the Protection of Rural England has found that on this site people experience openness, trees along the boundary with Maldon Hall Farm itself, the view of crops and sights and sounds of agricultural activities, birdsong, especially skylarks, peace and quiet. Tranquillity is considered to be a hugely valuable quality that must be defended against degradation and destruction.

## **5 Development Potential**

Allocation of RE1 for housing development within the emerging Local Development Plan would be inappropriate. In terms of key services the land is poorly located with respect to existing service infrastructure (drainage, water, gas, power, telecoms) which it is anticipated cannot be efficiently made to provide appropriate capacity for any further development.

Development for housing on site RE1 would be entirely out of keeping with the character of the surrounding area and it is apparent that the site cannot play a key role in meeting housing needs.

The LDP's preferred option with regard to housing within the built up area includes the identifications for new housing proposals. In this respect it is apparent that the site at Maldon Hall Farm is an inappropriate site for allocation as a new housing proposal.

We totally support the Council's assertion that housing need can be met by allocation to other sites and therefore this reserve site is not needed for housing allocation.

## **6 Highways**

The inclusion of RE1 in the LDP would have an adverse impact upon the Highway Authority's Development management policies adopted as County Council Supplementary guidance in February 2011 and policy T2 of the Local Plan. A new access on a Main Distributor in the Essex County Council Development Management Route Hierarchy where the Main function is that of carrying traffic safely and efficiently between major centres in the County would be impractical. The existence of a roundabout junction at this location is a matter of fact and therefore some degree of conflict and interference to the passage of through vehicles already occurs but the intensification of that conflict and interference which the inclusion of this site in the LDP would engender would lead to deterioration in the efficiency of the through road as a traffic carrier.

In connection with locally planned growth identified in the LDP Essex County Council has identified a scheme for the A414/ Spital Road roundabout that delivers reserve capacity at the end of the plan period in 2029. The proposal takes capacity out of the local highway network and provides a junction arrangement that would, when taking

account of locally planned growth, reach capacity and lead to delay and congestion on the network and the inability of the Main Distributor to fulfil its function of carrying traffic safely and efficiently between major centres in the County.

## **7 Retail**

As evidenced by Simon Talbot Williams MRICS Retail Property Surveyor, the allocation RE1 in the LDP is most unlikely to assist in the continued viability of local shops and services and given its out of centre location it would have no positive impact on the vitality and performance of the Town Centre.

## **8 Impact on Cemetery**

The Cemetery is approaching capacity. Site RE1 is in close proximity to the Cemetery's western boundary. It is a heritage site and its rural open aspect must be retained.

## **9 Conclusion**

Mr & Mrs Hood support the broad aims of the LDP and, with respect to housing, welcome the aspiration to "help the house building industry provide additional housing in Maldon across a range of locations, house types and tenures.

Our clients wholly support the LDP's preferred approach to dealing with housing in the built up areas given that it offers strong protection to the identification of new housing proposals.

These representations support the LDP's exclusion of site RE1 and oppose the allocation of Maldon Hall Farm as a new housing development opportunity within the new Local Development Plan.

The site is considered an unsuitable candidate on the basis that development for housing was not envisaged by previous planning policy, it is encumbered by technical and/or physical constraints with the result that it is in an inappropriate location; there is no evidence in relation to highway and /or school capacity and there is no sustainability appraisal.